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Date of Deposit: March 10, 2004

Attorney Docket No.: 19374-503



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT : Farmer  
SERIAL NUMBER : 09/424,527 EXAMINER : Not Yet Assigned  
FILING DATE : May 29, 2003 ART UNIT : 1633  
FOR : PROBIOTIC LACTIC ACID BACTERIUM TO TREAT BACTERIAL  
INFECTIONS ASSOCIATED WITH SIDS

**Mail Stop IDS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL LETTER**

Transmitted herewith for filing in the present application are the following documents:

1. Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of Cited References: A1-2; B1, C1-6; and
4. Return Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 19374-503. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

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Ingrid A. Beattie, Reg. No. 42,306  
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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicant hereby makes of record the documents listed on the attached modified Form PTO-1449.

This Information Disclosure Statement is being filed within three months of the mailing date of the Supplemental European Office Search Report for EP 98 92 5189, mailed January 14, 2004 and before the mailing date of a first Office Action based on the merits in the above-identified case. Accordingly, no fee or certification is believed required

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

APPLICANTS: Farmer  
U.S.S.N.: 09/424,527

Notwithstanding any statements by the Applicant, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 19374-503.

Respectfully submitted,



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Ingrid A. Beattie, Reg. No. 42,306  
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Attorney Docket No.: 19374-503

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<b>Modified Form 1449/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	09/424,527
	Filing Date	May 29, 2003
	First Named Inventor	Farmer
	Group Art Unit	1633
	Examiner Name	Not Yet Assigned
	Attorney Docket Number	19374-503

**U.S. PATENT DOCUMENTS**

Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate
	A1	5,242,938	09/07/93	Lam	514	375	
	A2	5,322,777	06/21/94	Selva, et al.	435	71.3	

**U.S. PUBLISHED APPLICATION DOCUMENTS**

Exam Initials	Cite No.	U.S. Published Application No.	Published Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

**FOREIGN PATENT DOCUMENTS**

Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B1	WO 96/11014	BLACKMORES LIMITED	04/18/96	

**OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS**

Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C1	Lindsay, J.A., <i>Crit. Rev. Microbiol.</i> , 22(4):257-277 (1966).
	C2	Morris, et al., <i>Med. Hypotheses</i> , 22(2):211-222 (1987).
	C3	Murrell, et al., <i>J. Med. Microbiol.</i> , 39(2):114-127 (1993).
	C4	Nakamura, et al., <i>Intl. J. Systematic Bacteriol.</i> , No. 1, pgs. 63-73 (1988).
	C5	Reid, et al., <i>Clin. Microbiol. Rev.</i> , 3(4):335-344 (1990).
	C6	Supplementary European Search Report for EP 98 92 5189, date of mailing: January 14, 2004.

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.